

REMARKS

Claims 1 and 3-21 are pending in this application. By the Office Action, claims 1 and 3-21 are rejected under 35 U.S.C. §103(a). In view of the following remarks, reconsideration and allowance are respectfully requested.

I. Rejections Under 35 U.S.C. §103

Claims 1, 4, 6, 7, 9-15 and 17-21 are rejected under 35 U.S.C. §103(a) over Lee in view of Suzuki and Goto. Claims 3 and 5 are rejected under 35 U.S.C. §103(a) over Lee in view of Suzuki and Goto and further in view of Wolf. Claims 8 and 16 are rejected under 35 U.S.C. §103(a) over Lee in view of Suzuki and Goto and further in view of Goto '792.

Because the rejections are related, they are addressed together. Applicants respectfully traverse the rejections.

A. The Claimed Invention

Each of independent claims 1 and 4 specify a Fresnel lens sheet of total-reflection type comprising: a flat base part; a plurality of prisms formed on an entrance surface of the base part, each of the prisms having a refraction facet that refracts light rays fallen thereon and a total-reflection facet that totally reflects light rays fallen thereon; a plurality of V grooves formed in an exit surface of the base part; and a plurality of wedge-shaped light absorbing parts embedded in the V grooves, respectively, the light absorbing parts having a refractive index lower than that of the base part; wherein at least some of the light rays refracted and totally reflected by prisms are reflected by the inclined surfaces that are interfaces between the base part and the light absorbing parts embedded in the grooves of the base part, so that light rays travel outside through regions of the exit surface of the base part the regions being placed between adjacent light absorbing parts. Claims 1 and 4 further specify that two inclined surfaces of each of the light absorbing parts are symmetrical (claim 1) or asymmetrical (claim 4) with respect to a direction perpendicular to the base part, and satisfy

respective conditions set forth and defined in the claims. Such Fresnel lens sheets of total-reflection type are nowhere taught or suggested by the cited references.

In particular, claims 1 and 4 each specify that the prisms have a refraction facet that refracts light rays fallen thereon and a total-reflection facet that totally reflects light rays fallen thereon. That is, the Fresnel lens sheets of claims 1 and 4 are a total-reflection type. Claims 1 also specifies that two inclined surfaces of each of the light absorbing parts are symmetrical with respect to a direction perpendicular to the base part, and satisfy the condition $\tan^{-1} (2D/W_1) \geq \sin^{-1} (N_1/N_2)$. Claim 4 specifies that two inclined surfaces of each of the light absorbing parts are asymmetrical with respect to a direction perpendicular to the base part, and satisfy the two conditions $\tan^{-1} (D/W_3) \geq \sin^{-1} (N_1/N_2)$ and $\tan^{-1} (D/W_4) \geq \sin^{-1} (N_1/N_2)$.

B. Claims 1 and 4 Are Patentable Over the Cited References

With respect to claims 1 and 4, the Office Action argues that Lee discloses all of the claim limitations, except for the limitation that the prisms have a refraction facet that refracts light rays fallen thereon and a total-reflection facet that totally reflects light rays fallen thereon, and the limitations regarding the specific conditions of the two inclined surfaces of each of the light absorbing parts being symmetrical or asymmetrical with respect to a direction perpendicular to the base part. While the Office Action admits that Lee does not teach that the Fresnel lens is of the total-reflection type, as well as the stated conditions, the Office Action argues that Suzuki teaches a total-reflection type Fresnel lens, and Goto teaches the specific claimed conditions. The Office Action then argues that Suzuki and Goto are properly combined with Lee, and that in combination the references would have rendered obvious the claimed invention. Applicants disagree.

Applicants submit that the Office Action has failed to establish even a *prima facie case* of obviousness as to the claimed invention. The requirements for a *prima facie* case of

obviousness are specified and described in MPEP §2143. According to MPEP §2143, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation to modify the reference. Second, there must be a reasonable expectation of success. Third, the prior art reference must teach or suggest all the claim limitations. The reference applied in the Office Action are at least improperly combined for lack of any motivation to make the combination. Furthermore, the claimed invention provides unexpected results not taught or suggested by the cited references.

First, there is no motivation, in the references or elsewhere, to combine the separate teachings of Lee, Suzuki, and Goto in the manner asserted in the Office Action. Nowhere does Lee teach or suggest any desirability for modifying its disclosed product to include either the total-reflection type Fresnel lens of Suzuki, or to modify the disclosed light absorbing parts to satisfy the specific stated symmetrical or asymmetrical conditions. Likewise, neither Suzuki nor Goto provide any suggestion or motivation for incorporating their respective teachings into the product of Lee.

At most, the only motivation to combine the cited references and to modify the resultant combination comes only from the instant application, based on an improper hindsight reconstruction of the claimed invention. The Office Action has clearly applied an improper picking and choosing of different claim limitations from different references, and combined those teachings only using the instant claims as a roadmap. Such a rejection is improper as a matter of law, and cannot be sustained.

Second, even if the references were properly combined, which Applicants deny, the claimed invention provides unexpected results over the cited references. As admitted in the Office Action, Lee does not teach or suggest the features of claims 1 and 4, that the prisms have a refraction facet that refracts light rays fallen thereon and a total-reflection facet that totally reflects light rays fallen thereon, and that the inclined surfaces of each of the light

absorbing parts satisfy the stated conditions. As a result of these combined features, unexpected results are obtained by the claimed invention. Specifically, according to the claimed invention, even if light rays fall on the entrance surface of the base part at small incident angles, such as in the range of about 35° to about 45°, the formation of double images can be effectively suppressed. See, for example, the specification at page 6, lines 23-30. In addition, as a result of these claimed features, reflection of outside light rays can also be effectively prevented.

Still further, the claimed invention provides a Fresnel lens sheet that is easier to manufacture. In particular, in the claimed Fresnel lens, it is not necessary to align the prisms with the light absorbing parts.

Such effects have not previously been provided by the prior art. Nowhere does Lee, Suzuki, or Goto teach or suggest either the provided unexpected results, or a means to provide such results. Thus, the claimed invention provides superior and unexpected results over the prior art.

C. Wolf and Goto '792 Do Not Overcome the Above Deficiencies

Wolf is cited only for the limitations of dependent claims 3 and 5, and Goto '792 is cited only for the limitations of dependent claims 8 and 16. However, neither Wolf nor Goto '792 cure the deficiencies of Lee, Suzuki, and Goto, described in detail above. Regardless of their actual disclosures, Wolf and Goto '792, individually or together, fail to overcome the deficiencies of Lee, Suzuki, and Goto, and thus any combination of the cited references would not have rendered obvious the claimed invention.

D. Conclusion

Claims 1 and 4 would thus not have been obvious over the cited references. Claims 3 and 5-21 variously depend from claim 1 or claim 4, and are patentable over the cited references for at least the same reasons as claims 1 and 4, in addition to the limitations

therein. Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.

II. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the application are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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